

American Bar Association model language with respect to restitution and the language as you will see sets out those circumstances under which a judge might consider ordering restitution in a situation, those various criteria pertaining to the ability of the defendant to pay, the kind of injury done to the victim. It flushes out generally the kind of things you need to have an effective and good restitution system operating. Senator Schmit and Senator Pirsch have been concerned, I know Senator Pirsch in particular has been concerned with victims' rights for a number of years. She has been concerned with placing into the Nebraska statutes an effective statutory mechanism allowing victims to obtain restitution from defendants under those circumstances that are appropriate and restitution is by no means appropriate in every situation. Really, they're unique situations where it makes sense and in the committee amendment the committee has attempted to outline in as much detail as possible, again using American Bar Association model language which has been adopted by a number of other states, as you will see from the handouts that are coming around right now, to make it work here in Nebraska. The committee decided...the language was drafted to apply in both probation and parole situations. The committee by way of committee amendment decided to have it apply only in a probation situation. That is a situation where a defendant is not sent to jail or sent to prison but is placed on probation. And as I understand it, Senator Pirsch will be presenting an amendment to the committee amendments to apply to language to parole situations as well. I know Senator Pirsch or any of us would be pleased to attempt to answer questions you might have about the bill. I'd ask for the adoption of the committee amendments.

SENATOR SCOFIELD: Senator Pirsch, please, amendment to the committee amendment.

SENATOR PIRSCH: Yes, I have an amendment to the committee amendments which should be passed around at your desk right now which simply strikes the exclusionary wording in the committee amendment as a condition of probation. The State of Nebraska does now have restitution as a condition of probation. The original LB 956 was to expand that to those times as a condition of parole and the Director of Corrections and Ron Bartee from the Nebraska Board of Parole came to testify for this bill. A funny thing happened on the way to the committee amendments. The original intent of